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MISSOURI KANSAS ILLINOIS NEVADA SHANGHAI

January 16, 2011

Ms. Michelle Kerr
Remedial Project Manager
U.S. Environmental Protection Agency – Region 5
Superfund Division (SR-6J)
77 W. Jackson Blvd.
Chicago, IL 60604-3590

By e-mail: kerr.michelle@epa.gov & U.S. Mail

Re: Chemetco Superfund Site – Response to General Notice Letter Dated November 30, 2011 by Pioneer Metals, Inc.

Dear Ms. Kerr:

This firm represents Pioneer Metals, Inc. ("Pioneer"), relating to the Chemetco Site. Pioneer filed with your office a response to a Section 104(e) Request on July 17, 2011.

Pioneer is a holding company that owns stock in Chemetco, Inc. ("Chemetco"), but has no other corporate activities. It does not have employees and does not generally engage in commerce other than as a holding company of Chemetco stock. Other than its mere ownership of stock, Pioneer had no role at the Chemetco Site. Pioneer did not manage, direct, or conduct any operations related to pollution, environmental issues, hazardous waste, or compliance with environmental regulations. As a passive stockholder, Pioneer cannot be an "owner or operator" of the Chemetco Site. *See United States v. Bestfoods*, 524 U.S. 51, 65-67 (1998).

In addition, because Pioneer's corporate activities were limited to holding stock, it never "arranged" for the disposal of hazardous substances at the Chemetco Site or took any steps relating to the disposal of hazardous substances. Accordingly, Pioneer cannot be liable as an "arranger." *See Burlington Northern & Santa Fe Railway Co. v. United States*, 129 S. Ct. 1870, 1879 (2009).

Therefore Pioneer will not be participating in any joint effort to respond to EPA demands at the Chemetco Site.

Best regards,

Winston E. Calvert

cc: Ms. Joan Tanaka, Chief, Remedial Response Branch #1, USEPA, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604-3590 (by U.S. Mail)

Mr. Thomas Martin, Associate Regional Counsel (by e-mail: martin.thomas@epa.gov)